

Filed February 22, 2008

**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of)	04-C-12943
PERRY SETH REICH)	
A Member of the State Bar.)	RECOMMENDATION OF SUMMARY DISBARMENT

On October 3, 2007, the State Bar filed a request for a recommendation of summary disbarment. On October 18, 2007, we filed an order directing respondent Perry Seth Reich, State Bar No. 96618, to show cause why we should not recommend his summary disbarment to the Supreme Court. Respondent asserts that summary disbarment is not appropriate in this matter and that he is entitled to a hearing to determine whether moral turpitude is found under the facts and circumstances of his conviction offenses.¹ After carefully reviewing all pleadings, the State Bar's request for a recommendation of summary disbarment is granted.

On August 25, 2005, respondent was convicted of forging a judge's signature and corruptly obstructing justice (18 U.S.C. §§ 505 and 1512(c)(2)).² As a result of respondent's convictions, we placed him on interim suspension effective November 30, 2005, and he has remained on interim suspension since that time. Respondent's convictions are now final.

The record of conviction establishes that respondent's convictions meet the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c). First, each offense is a felony. (Bus. & Prof. Code, § 6102, subd. (b).) Second, each offense involves

¹On May 23, 2007, respondent filed his resignation with charges pending. On February 4, 2008, the Supreme Court declined to accept his resignation.

²Respondent was also convicted of one count of making a false statement to a federal officer (18 U.S.C. § 1001(a)(2)).

moral turpitude. The plain language of section 505 of title 18 of the United States Code only requires that a defendant knowingly forge the signature of a federal judge for the purpose of authenticating any proceeding or document. (18 U.S.C. § 505; *United States v. Reich* (2nd Cir. 2007) 479 F.3d 179, 187.) The moral turpitude per se nature of forgery is well established under California disciplinary law. (See, e.g., *In re Hallinan* (1954) 43 C.2d 243, 248; *Moura v. State Bar* (1941) 18 C.2d 31, 32.)

The language of title 18 United States Code section 1512(c)(2) is substantially identical to that of title 18 United States Code section 1503.³ Under federal precedent interpreting the latter statute, the word corruptly “means for an evil or wicked purpose.” (*U.S. v. Ryan* (9th Cir. 1971) 455 F.2d 728, 734; *U.S. v. Partin* (5th Cir. 1977) 552 F.2d 621, 642 [jury instruction correctly stated that the word corruptly means the defendant acted with improper motive or with bad or evil or wicked purpose].) Therefore, corruptly obstructing justice is a crime involving moral turpitude. (*United States v. Friedland* (D.N.J. 1980) 502 F.Supp. 611, 619 [suspension of attorney convicted of attempted obstruction of justice justified because offense involved moral turpitude].)

When an attorney’s conviction meets the requirements of section 6102, subdivision (c), “the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for.” (*In re Paguirigan* (2001) 25 Cal.4th 1, 4-7.) Disbarment is mandatory. (*Id.* at p 9.)

We therefore recommend that respondent Perry Seth Reich be disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court’s order.

³Title 18 United States Code section 1503 provides that “(a) Whoever corruptly . . . influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b).” Title 18 United States Code section 1512 provides that “(c) Whoever corruptly – [¶] . . . [¶] (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, [¶] shall be fined under this title or imprisoned not more than 20 years, or both.”

Finally, we recommend that the costs be awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

Presiding Judge